

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BERNADEAN RITTMANN, FREDDIE  
CARROLL, JULIA WEHMEYER, and RAEF  
LAWSON individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., and AMAZON  
LOGISTICS, INC.,

Defendants.

Case No. 2:16-cv-01554-JCC

DECLARATION OF PIYUSH LUMBA  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR NOTICE TO BE ISSUED  
TO SIMILARLY SITUATED  
EMPLOYEES PURSUANT TO 29 U.S.C.  
§ 216(b)

**ORAL ARGUMENT REQUESTED**

NOTE ON MOTION CALENDAR:  
January 20, 2017

**DECLARATION OF PIYUSH LUMBA**

1. Pursuant to 28 U.S.C. § 1746, I, Piyush Lumba, declare as follows:

2. I am a Director, Amazon Flex, employed by Amazon Corporate LLC and have  
responsibility for certain functions related to the Amazon Flex program.

DECLARATION OF P. LUMBA  
(2:16-CV-01554-JCC)

1           3.       I make this Declaration based on my personal knowledge and my review of  
2 Amazon's business records. If called to testify to these facts, I would be competent to do so.

3           4.       As of January 12, 2017, Amazon Flex operates from 87 Amazon locations in  
4 more than 36 cities in 24 states and has contracted with many thousands of Delivery Partners  
5 ("DPs").  
6

7           5.       DPs can accept or reject any opportunity offered through Amazon Flex.

8           6.       Amazon Flex DPs work with one of two distinct business segments of Amazon:  
9 Amazon Logistics ("AMZL" or "Logistics") or Prime Now.

10          7.       Through AMZL, DPs deliver orders contained in Amazon brown boxes or  
11 envelopes picked up from an AMZL delivery station.  
12

13          8.       Through Prime Now, DPs deliver traditional Amazon.com household items in  
14 paper bags, can deliver restaurant orders, third-party grocery or other merchandise orders, and  
15 orders from Amazon Fresh, depending on location. A customer can opt to have a Prime Now  
16 order delivered within as little as one hour from the time an order is placed.

17          9.       DPs currently handle a subset of "last-mile" deliveries – *i.e.*, the last leg of a  
18 delivery to the customer. The rest remains with other third-party delivery providers, such as  
19 UPS and other Delivery Service Providers with which Amazon has traditionally contracted.  
20

21          10.       Amazon pays Service Fees per block. The Service Fees vary depending on  
22 circumstances, which may include the geography and whether "surge" pricing is in effect  
23 because of weather or special events increasing demand.  
24  
25  
26

1           11. In general, however, the Service Fees roughly equate to a rate of between \$18 and  
2 \$25 per hour, multiplied accordingly by anticipated duration of block (*e.g.*, the minimum for a  
3 “two-hour” block is \$36).

4           12. The duration of a delivery block may run as short as one hour for Prime Now  
5 deliveries, but may exceed four hours for AMZL deliveries. However, the duration of a  
6 particular block for any individual DP can vary widely depending on a number of factors,  
7 including whether the DP is delivering for Prime Now or AMZL; the DP’s choice to pick up a  
8 particular length of block or a DP’s indicated availability; the Amazon location from which a DP  
9 delivers packages; the volume of packages to be delivered from a particular location in a  
10 particular day; the customer’s directions or order preference; and/or the time of day and/or type  
11 of service provided, such as restaurant deliveries or packages that will go out for delivery a  
12 second time because the first delivery attempt was unsuccessful.  
13

14           13. Amazon’s business records reflect that the following DPs provided delivery  
15 services during the period from approximately February 4, 2016 through November 2, 2016, on  
16 approximately the following number of days:  
17

- 18           a. Plaintiff Carroll delivered packages on 111 days.  
19           b. Plaintiff Rittmann delivered packages on 67 days.  
20           c. Plaintiff Wehmeyer delivered packages on 114 days.  
21           d. Michael Gilliard delivered packages on 24 days.  
22           e. Phi Huynh delivered packages on 233 days.  
23

24           14. Plaintiff Lawson delivered packages for the first time on November 21, 2016.  
25

1           15. All of the many thousands of DPs who currently participate (and those who no  
2 longer participate) in Amazon Flex had an opportunity to opt-out of the arbitration provision that  
3 is included in the Amazon Flex Terms of Service. However, only 164 DPs have done so as of  
4 January, 2017.

5           16. The 164 arbitration “opt-outs” include Bernadean Rittmann, Freddie Carroll, and  
6 Julia Wehmeyer. Plaintiff Raef Lawson and opt-in Plaintiff Michael Turcich did not opt out of  
7 arbitration.  
8

9  
10  
11                                   [Remainder of Page Intentionally Left Blank]  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 I declare under penalty of perjury under the laws of the United States of America that  
2 the foregoing is true and correct.

3  
4 Executed this 13 day of January, 2017, in Seattle, Washington.

5  
6 Piyush Lumba  
7 PIYUSH LUMBA  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 DECLARATION OF P. LUMBA  
(2:16-CV-01554-JCC)